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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,308	05/30/2001	Edward B. Endejan	035451-0123 (3606.Palm)	7645
26371	7590	06/02/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			INGBERG, TODD D	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/870,308	Applicant(s) ENDEJAN, EDWARD B. 	
	Examiner Todd Ingberg	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 20 have been examined.

Drawings

1. New corrected drawings are required in this application because the drawings are deemed informal because of parts are written by hand. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Information Disclosure Statement

2. The Information Disclosure Statement filed June 30, 2001 has been considered.

Knowledge of an Ordinary Artisan

3. The following is knowledge on of very ordinary skill in the art should know well prior to the time of invention.

CONDITIONAL DIRECTIVES – The Programmer's Reference C/C++ published on May 17, 2000 covers the use of conditional directives which can control the code to be compiled or not to be compiled. Use of conditional directives is not limited to these two programming languages. Conditional directives are also found in assembler programming languages as disclosed in the IBM PC Assembly Language Programming book of Able from 1991.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 5, 9 – 11, 13, 14 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Template Software's product SNAP in view of the use of conditional directives of C++ .

The **Template** product line contains:

The SNAP programming language (Two manuals used)

The Workflow Template (Not used in this Office Action)

The Web Component (Not used in this Office Action)

These three layered products work together.

The documentation sets for the products contains the following manuals.

SNAP released June 1997

SNAP Language Reference (Not used in this Office Action)

Using the SNAP Language (Not used in this Office Action)

Using the SNAP Communication Component (Not used in this Office Action)

Using the SNAP Graphic User Interface Component (Not used in this Office Action)

Getting Started with SNAP (Referred to as **START**)

Using the SNAP Display Editors (Not used in this Office Action)

SNAP Class Library Reference (Not used in this Office Action)

Using the SNAP External Application Software Component (Not used in this Office Action)

Using the SNAP Development Environment (Referred to as **SNAP**)

SNAP Module Library Reference (Not used in this Office Action)

Using the SNAP Permanent Storage Component (Not used in this Office Action)

Workflow released September 1997

Developing a WFT Workflow System (Not used in this Office Action)

Using the WFT Development Environment (Not used in this Office Action)

WFT Library Reference (Not used in this Office Action)

Web Component

Using the Web Component (Not used in this Office Action)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipated by a product offering. Furthermore, with the 1997 press release announcing version 8.0 these considered prior art under *In re Epstein* 31 USPQ2d 1817 (decided August 17, 1994) with a 1997 release date despite the 1998 copyright date.

In the STRAT reference SNAP anticipates the use of the programming languages C and C++ this also includes what one of ordinary skill in the art should know about how to program in those languages. The use of DIRECTIVES and conditional directives is held as knowledge one of ordinary skill in the art of should know well before the time of invention.

Motivation Statement

Since SNAP teaches an environment that support the including of C and C++ code it would have been obvious to one of ordinary skill in the art to combine the teachings of SNAP and C++ because it makes the programming environment more flexible.

Claim 1

SNAP teaches a design system comprising an editor configured to display segments of code (SNAP, page 3-44, see figure 3-8, Body), the segments of code comprising an active segment of code and an inactive segment of code, wherein the editor is configured to display the active segment of code in a first display format and the inactive segment of code in a second display

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format different than the first display format (START, page 5-18, the inclusion of C or C++ code in SNAP).

Claim 2

The design system of claim 1, wherein the segments of code further comprise a comment, wherein the editor is further configured to display the comment and the inactive segments of code with at least one same display format. (SNAP, page 3-44, see figure 3-8, Attachment see text)

Claim 3

The design system of claim 2, wherein the at least one same display format is a visibly different gray scale from the first display format.

Official Notice is taken that setting gray scale for displays is grossly old and well known and would have been obvious to one of ordinary skill in the art at the time of invention because setting the environment makes the environment more user friendly.

Claim 4

The design system of claim 3, wherein the inactive segment of code has at least one different display format than the comment. As per claims 1 and 2 the code and the comments.

Claim 5

The SNAP programming environment supports the use of the C and C++ compiler (START, page 5-18, under "You can write the following kinds of functions" – also note using including them in the SNAP application) The design system of claim 1, further comprising a preprocessor directive, wherein the pre-processor directive defines segments of code as active or inactive. As per claim 1.

Claim 9

A method of displaying segments of source code in an integrated development environment, comprising: distinguishing inactive segments of the source code from active segments of the source code; and displaying the active segments of the source code in a first display format and the inactive segments of the source code in a second display format different than the first display format. As per claims 1 and 2 above.

Claim 11

The method of claim 9, wherein the step of distinguishing includes applying a pre-processor directive to the source code to determine the active and inactive segments. As per claim 5.

Claim 10

The method of claim 9, further comprising: receiving a change to the source code which changes one of the active segments of the source code to an inactive segment of the source code; and changing the display format of the one of the active segments of the source code from the first display format to the second display format. The teaching of conditional directives of C++ above

with the display of SNAP with including C++ programming statements as taught by START above.

Claim 13

The method of claim 9, further comprising displaying comments and inactive code segments with at least one same display format.

Official Notice is taken that comments in C and C++ are identified with “//” and that the display of code that does not meet the condition to be used is displayed with its comments. What the Examiner believes the Applicant meant to claim is that the inactive code is automatically commented out and displayed with its comments after a process of using the directive has taken place but the claim limitations fall far short of claiming this.

Claim 14

A design system, comprising: means for distinguishing active segments of code from inactive segments of code; and means for displaying the active segments of code in a first display format and for displaying inactive segments of code in a second display format. As per claim 1.

Claim 15

The design system of claim 14, wherein the means for displaying displays comments and inactive code segments with at least one same display format. As per claim 13.

Claim 16

The design system of claim 14, wherein the first display format and the second display format have visibly different gray scales. As per claim 3.

Claim 17

The design system of claim 16, wherein the second display format has a lighter gray scale than the first display format. As per claim 3.

Claim 18

The design system of claim 14, wherein the means for distinguishing includes applying a pre-processor directive to distinguish between active and inactive segments of code. As per claim 1.

Claim 19

The design system of claim 14, further comprising means for compiling the segments of code. C++ as per claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2124

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 – 8, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the SNAP Development Environment in view of Visual C++.

Visual C++ supports C++ and one of ordinary skill in the art would combine the use of SNAP with Visual C++ because it would have been obvious to one of ordinary skill in the art to combine the teachings of SNAP and C++ because it makes the programming environment more flexible.

Claim 6

The design system of claim 5, wherein the editor is configured to automatically switch the display format of one of the segments of code from the first display format to the second display format in response to a change to the pre-processor directive.

Interpreted to mean the code before the directive displays all code and after the directive changes what is displayed. This is met by the use of the use of the directive to change color in Visual C++ COLORREF page 621.

Claim 7

The design system of claim 5, further comprising a compiler configured to interpret the pre-processor directive, a linker and a debugger. As per SNAP with Visual C++ support for directives, linker and debugger (SNAP, Table of Contents shows chapter 10 Debugger).

Claim 8

The design system of claim 5, wherein the preprocessor directive is selected from the group consisting of a #define directive, a #undef directive, a #if directive, a #ifdef directive, a #ifndef directive, a #else directive, a #elif directive, and a #endif directive.

Examiner's Response

Barring needing to match exact wording the conditional directives of C++ as mentioned in the Knowledge section teach these directives.

Claim 12

The method of claim 11, wherein the first display format includes a first color or font and the second display format includes a second color or font. COLOR REF as per claim 6.

Claim 20

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The design system of claim 19, wherein the means for displaying automatically switches the display format of one of the segments of code from the first display format to the second display format in response to a change to a pre-processor directive. As per claim 6.

Allowable Subject Matter

The Examiner believes if the invention is clearly and concisely claimed the claimed invention can distinguish itself over prior art of record.

The Visual C++ programming language supports compiler directives that select segments of code to be colored with a built in DIRECTIVE called COLORREF page 621 of the Visual C++ reference (absent the conditional compile directive). This construct is language specific and is not an extensible solution provided by the standard constructs. The use of directives to support conditional compilation is inherent in the programming languages C and C++ and Assembler. If the limitations of the use of standard directives to color the conditional code into different segments of code displayed in color is presented in the independent claims it is believed it will distinguish over the prior art of record. Amendment must take into consideration antecedent issues under 35 U.S.C § 112.

Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

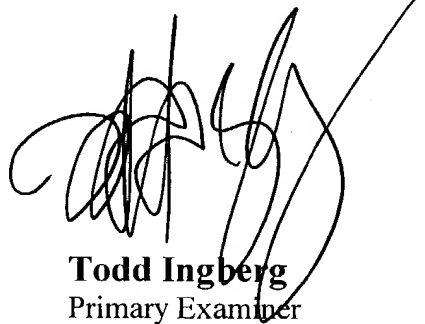
Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

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Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long, sweeping line extending from the end of the signature towards the right.

Todd Ingberg
Primary Examiner
Art Unit 2124
May 30, 2004